

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

KYRYLO SAMOILENKO

Defendant.

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ORDER OF  
JUDICIAL  
REMOVAL

S3 18 Cr. 259 (PKC)

NOTICE IS HEREBY GIVEN TO KYRYLO SAMOILENKO ("the defendant") and to his attorney of record, Alan M. Nelson, Esq., that the United States of America alleges the following facts in support of the Notice of Intent to Request Judicial Removal:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native of Ukraine and a citizen of Ukraine.
3. The defendant was last admitted to the United States at New York, New York on June 12, 2015 as a B-2 non-immigrant with authorization to remain in the United States until December 12, 2015.
4. The defendant remained in the United States beyond December 12, 2015 without authorization from the Department of Homeland Security.
5. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, under three counts: (1) conspiracy to commit bank fraud and wire fraud, in violation of Title 18 United States Code, sections 1343, 1344 and 1349; (2) aggravated identity theft, in violation of 18 U.S.C. section 1028A; and (3)

conspiracy to distribute and possess with intent to distribute 500 grams or more of a mixture containing a detectable amount of cocaine, its salts, optical and geometric isomers, and salts of its isomers, in violation of 21 U.S.C. sections 846 and 841(b)(1)(B).

6. The maximum sentence for these violations is seventy-two years' imprisonment. The defendant will be ordered to pay \$769,105.73 in restitution.

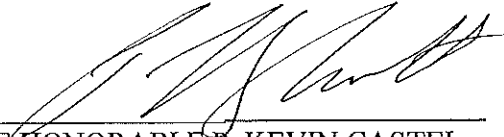
7. The defendant is subject to removal from the United States pursuant to section 237(a)(1)(B) of the Immigration and Nationality Act of 1952, as amended ("INA"), 8 U.S.C. § 1227(a)(1)(B), as an alien, who after admission as a nonimmigrant under section 101(a)(15) of the Act, remained in the United States for time longer than permitted; section 237(a)(2)(B)(i) of the INA, 8 U.S.C. § 1227(a)(2)(B)(i), as an alien who at any time after admission has been convicted of a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 802 of title 21), other than a single offense involving possession for one's own use of 30 grams or less of marijuana; and section 237(a)(2)(A)(iii) of the INA, 8 U.S.C. § 1227(a)(2)(A)(iii), as an alien who is convicted of an aggravated felony as defined in sections 101(a)(43)(M), 101(a)(43)(B) and 101(a)(43)(U), respectively, at any time after admission.

8. The defendant has waived his right to notice and a hearing under section 238[(d)](c) of the INA, 8 U.S.C. § 1228[(d)](c).

9. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.

WHEREFORE, pursuant to section 238[(d)](c) of the INA, 8 U.S.C. § 1228[(d)](c), the United States of America requests that the Court, at the time of sentencing, order that the defendant be removed from the United States to Ukraine.

Dated: New York, New York  
January 21, 2020



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THE HONORABLE P. KEVIN CASTEL  
UNITED STATES DISTRICT JUDGE